

# LAW LIBRARY

## IN A NUTSHELL

### Power of Attorney

An instrument granting someone authority to act as agent or attorney-in-fact for the grantor—Also termed letter of attorney. 2. The authority so granted. (Black's Law Dictionary, 8th ed)

#### What is a Power of Attorney?

You may, by written agreement, voluntarily choose another person to handle some or all your property and financial affairs. The person to whom you give this power is known as your "attorney-in-fact" or "agent." You are referred to as the "principal."

(State Bar of Michigan Elder Law & Advocacy)

#### What is a Durable Power of Attorney?

MCL 700.5501. A durable power of attorney is a power of attorney by which a principal designates another as the principal's attorney in fact in writing and the writing contains the words "This power of attorney is not affected by the principal's subsequent disability or incapacity, or by the lapse of time", or "This power of attorney is effective upon the disability or incapacity of the principal", or similar words showing the principal's intent that the authority conferred is exercisable notwithstanding the principal's subsequent disability or incapacity and, unless the power states a termination time, notwithstanding the lapse of time since the execution of the instrument.

#### What is a Durable Power of Attorney for health care?

MCL 700.5506 (1) An individual 18 years of age

or older who is of sound mind at the time a patient advocate designation is made may designate in writing another individual who is 18 years of age or older to exercise powers concerning care, custody, and medical treatment decisions for the individual making the patient advocate designation.

#### What is a General Power of Attorney?

A power of attorney that authorizes an agent to transact business for the principal.

(Black's Law Dictionary, 8th ed)

#### What is an Irrevocable Power of Attorney?

A power of attorney that the principal cannot revoke. Also termed power of attorney coupled with an interest. (Black's Law Dictionary, 8th ed)

#### What is a Special Power of Attorney?

A power of attorney that limits the agents authority to only a specified matter. (Black's Law Dictionary, 8th ed)

#### WEB SITES

<http://www.med.umich.edu/1lib/aha/umlegal02.htm> (A Durable Power of Attorney for Health Care Sample Form)

*The information presented here is not intended to be a substitute for legal advice. You should talk with an attorney if you have any questions about how this information applies to your own problem or facts.*

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